

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**

## WEGMAN, HESSLER &amp; VANDERBURG

A LEGAL PROFESSIONAL ASSOCIATION  
ATTORNEYS AT LAW

DAVID J. HESSLER  
KEITH A. VANDERBURG  
PETER A. HESSLER  
DAVID R. KNOWLES  
JOHN D. KEDZIOR  
STEVEN E. PRYATEL  
RICHARD T. COYNE  
LAWRENCE S. CROWTHER  
CHRISTOPHER A. HOLECEK  
JEFFREY W. KRUEGER  
BRUCE E. PEACOCK \*\*

SUITE 200  
6055 ROCKSIDE WOODS BOULEVARD  
CLEVELAND, OHIO 44131-2302  
WWW.WEGMANLAW.COM

TELEPHONE  
(216) 642-3342

FACSIMILE  
(216) 642-8826

JENNIFER A. CORSO  
AMY M. BURKHARDT  
LESLEY A. WEIGAND  
ANGELA M. PRIVITERA  
ANDREW C. LAKE \*\*  
DANIELLE A. SKOCZEN \*\*  
KIMBERLY A. STARR  
CHRISTOPHER A. CORPUS  
MATTHEW G. BURG  
JEFFREY E. ELLSWORTH \*\*\*  
ERIN P. HARAN

CHARLES R. ENNIS  
WILLIAM GORENC, JR.  
OF COUNSEL

MARTIN J. WEGMAN  
(1918-1977)

DAVID W. HERRINGTON  
ANTOINETTE F. GIDEON  
KARL R. WETZEL  
TANJA M. HOLECEK  
DAVID R. BUTTON  
R. TIMOTHY COERDT  
NATHAN E. HESSLER  
DONNA M. DRESP  
SIMON P. DEMIAN

TELECOPY MESSAGE

\* California and Missouri only  
\*\* Registered Patent Attorney

TO: (703) 308-6459 Attn: Examiner R. Bacares

FROM: Jeffrey S. Ellsworth

DATE: January 27, 2004

NUMBER OF PAGES (INCLUDING COVER PAGE):

24

RECEIVED

27 JAN 2004

Legal Staff  
International Division

Examiner Bacares:

Transmitted herewith is a true copy of a Request for Reconsideration and a Renewed Petition under 37 CFR 1.47(a) filed with the PTO on May 29, 2003, along with a copy of the return postcard stamped by the PTO indicating receipt of the petition. On January 27, 2004, I spoke via telephone with Examiner Bacares regarding this application and was informed that the Request for Reconsideration and Renewed Petition were not matched with the application. If you have any further questions or need additional information, please let me know.

Sincerely,



Jeffrey S. Ellsworth, Reg. No. 56,150

The original of this document will be sent by:

- ☐ Ordinary Mail  
☐ Messenger  
☐ Overnight/Federal Express  
☒ This will be the ONLY form of delivery

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

**POST OFFICE TO ADDRESSEE**

Finance Copy  
Issued 12-13 Mar-2004

ORIGIN (POSTAL USE ONLY)		
PO ZIP Code	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date in Mo. Day Year	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$
Time In <input type="checkbox"/> AM <input type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight lb. ozs.	Int'l Alpha Country Code	GOD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees \$

[illegible]

<b>CUSTOMER USE ONLY</b>		<b>POSTAL SERVICE USE ONLY</b>	
<b>METHOD OF PAYMENT</b> Express Mail Corporate Acct. No. _____		Federal Agency Acct. No. or Postal Service Acct. No. _____	
<b>FROM: (PLEASE PRINT)</b> _____ PHONE (____) _____  <div style="border: 1px solid black; padding: 10px; min-height: 100px;"> <p>ALUMINUM CO. OF AMERICA            10000 N. CENTRAL AVE.            CLEVELAND, OHIO 44131            (216) 441-1000</p> </div>	<b>TO: (PLEASE PRINT)</b> _____ PHONE (____) _____  <div style="border: 1px solid black; padding: 10px; min-height: 100px;"> <p>ALUMINUM CO. OF AMERICA            10000 N. CENTRAL AVE.            CLEVELAND, OHIO 44131            (216) 441-1000</p> </div>		
<b>ZIP + 4</b> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center;">5</div> <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center;">0</div> <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center;">2</div> <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center;">1</div> <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center;">3</div> <div style="font-size: 20px; margin: 0 10px;">+</div> <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center;">1</div> <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center;">4</div> <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center;">5</div> <div style="border: 1px solid black; width: 30px; height: 30px; display: flex; align-items: center; justify-content: center;">0</div> </div>		POSTAGE WILL BE PAID BY ADDRESSEE PERMIT NO. 1456 CLEVELAND, OHIO 44131-1456	

**FOR PICKUP OR TRACKING CALL 1-800-222-1811**

**www.usps.com**



PLEASE STAMP OR OTHERWISE INDICATE DATE OF  
RECEIPT OF ACCOMPANYING PAPERS

AND RETURN TO US

TRANSMITTAL, CERT OF EXPRESS MAIL, REQUEST FOR  
Papers RECONSIDERATION, RENEWED PETITION, CHECK \$130

Applicant/Registrant **PIKE ET AL.**

Title MASONRY MORTAR AND STUCCO CEMENT COMPOSITIONS

Serial No./Req. No. 10/088,291

Docket No. 020356 116P2

Date Due 5/31/03

DT13 Rec'd PCT/PTO 29 MAY 2005

BEP/JJS

ET 943661779 US

PLEASE STAMP OR OTHERWISE INDICATE DATE OF  
RECEIPT OF ACCOMPANYING PAPERS  
AND RETURN TO US  
TRANSMITTAL, CERT OF EXPRESS MAIL, REQUEST FOR  
RECONSIDERATION, RENEWED PETITION, CHECK \$130  
Papers

Applicant/Registrant PIKE ET AL.

Title MASONRY MORTAR AND STUCCO CEMENT COMPOSITIONS

Serial No./Reg. No. 10/088,291

Docket No. 020356 116P2

Date Due 5/31/03

BEP/JJS

ET 943661779 US

**WEGMAN, HESSLER & VANDERBURG**

A LEGAL PROFESSIONAL ASSOCIATION  
6055 ROCKSIDE WOODS BLVD. #200  
CLEVELAND, OH 44131-2302  
(216) 642-3342



KeyBank National Association

6-103/410

CHECK NO.

CHECK DATE

VENDOR NO.

42286

05/28/03

CHECK AMOUNT

\$130.00

One Hundred Thirty Dollars and 00/100 Cents

Re: Renewed Petition Under 37 CFR 1.47(a)

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

*Wendy A. Dink*

⑈042286⑈ ⑆041001039⑆ 351031003558⑈

SECURITY FEATURES: MICRO PRINT TOP & BOTTOM BORDERS - COLORED PATTERN - ARTIFICIAL WATERMARK ON REVERSE SIDE - MISSING FEATURE INDICATES A COPY

## CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.101)

Docket No.

Applicant(s):

020356 116P2

Serial No.	Filing Date	Examiner	Group Art Unit
10/088,291	MARCH 14, 2002	RAFAEL BACARES	

Invention:

MASONRY MORTAR AND STUCCO CEMENT COMPOSITIONS

I hereby certify that this REQUEST FOR RECONSIDERATION AND RENEWED PETITION

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under

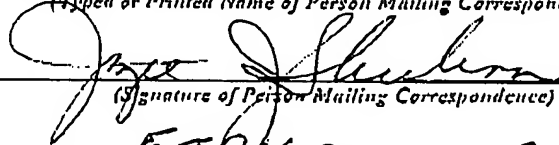
37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents ; P.O. Box 1450, Alexandria, VA

22313-1450 on

May 29, 2003  
(Date)

JOYCE J. SKULINA

(Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

ET 64 366 177945

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

**WEGMAN, HESSLER & VANDERBURG**  
A LEGAL PROFESSIONAL ASSOCIATION  
ATTORNEYS AT LAW

DAVID J. HESSLER  
KEITH A. VANDERBURG  
PETER A. HESSLER  
DAVID R. KNOWLES  
JOHN D. KEDZIOR  
STEVEN E. PRYATEL  
RICHARD T. COYNE  
LAWRENCE S. CROWTHER  
CHRISTOPHER A. HOLECEK  
JEFFREY W. KRUEGER  
BRUCE E. PEACOCK

SUITE 200  
8055 ROCKSIDE WOODS BOULEVARD  
CLEVELAND, OHIO 44131-2302

TELEPHONE  
(216) 642-3342

FACSIMILE  
(216) 642-8826

DAVID W. HERRINGTON  
ANTOINETTE F. GIDEON  
KARL R. WETZEL  
DERMOTT J. COOKE  
DENNIS J. SIGILIANO  
TANJA M. HOLECEK

May 28, 2003

DAVID R. BUTTON  
DEREK KAESGEN  
NATHAN E. HESSLER  
DONNA M. DRESP  
SIMON P. DEMIAN  
JENNIFER A. CORSO  
CARL D. GUM III  
LESLEY A. WEIGAND  
KEVIN M. BROKAW  
CHRISTOPHER A. CORPUS

CHARLES R. ENNIS  
WILLIAM GORENC, JR.  
OF COUNSEL

MARTIN J. WEGMAN  
(1918-1977)

In re Application of

Applicant : Pike et al.  
Serial No. : 10/088,291  
Filed : March 14, 2002  
Title : Masonry Mortar and Stucco Cement  
: Compositions  
Docket : 020356 116P2  
Customer No.: 33805

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is the following in the above-identified application:

XX Request for Reconsideration  
XX Renewed Petition Under 37 CFR 1.47(a) With Exhibits A-H  
XX Check in the amount of \$130.00

XX Please charge our Deposit Account No. 502431 in the amount of \$ 0.00. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to such account. Two copies of this sheet are enclosed.

Respectfully submitted,  
WEGMAN, HESSLER & VANDERBURG

By Bruce E. Peacock  
Bruce E. Peacock  
Reg. No. 28,457

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service as <u>first class</u> mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
<u>May 29, 2003</u> (Date of Deposit)
<u>Joyce T. Skuina</u> (Typed or printed name of person mailing paper or fee)
<u>Joyce T. Skuina</u> (Signature of person mailing paper or fee)

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Application of:

Applicant(s) : Clinton W. Pike and David H. Nordmeyer  
Serial No. : 10/088,291  
Filed : March 14, 2002  
Title : MASONRY MORTAR AND STUCCO CEMENT COMPOSITIONS  
Docket : ASH 116 P2  
Customer No. : 33805

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22231-1450

Sir:

REQUEST FOR RECONSIDERATION

In reply to the Dismissal Without Prejudice of Applicant's Petition Under 37 CFR 1.47(a) mailed March 31, 2003, Applicant, David H. Nordmeyer, respectfully requests that the Dismissal be favorably reconsidered in view of the Renewed Petition Under 37 CFR 1.47(a) filed herewith. The Renewed Petition overcomes the only deficiency cited in the Dismissal by documenting the submission of the Application and Declaration of the above-identified application to co-inventor Clinton W. Pike, and the refusal to sign the Declaration by Clinton W. Pike. Accordingly, acceptance of the Renewed Petition filed herewith is respectfully requested.

Respectfully submitted,

Date: 5/29/03

Bruce E. Peacock  
Bruce E. Peacock  
USPTO Registration No. 28,457

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Application of:

Applicant(s) : Clinton W. Pike and David H. Nordmeyer  
Serial No. : 10/088,291  
Filed : March 14, 2002  
Title : MASONRY MORTAR AND STUCCO CEMENT COMPOSITIONS  
Docket : ASH 116 P2

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RENEWED PETITION UNDER 37 CFR 1.47(a)**

This Renewed Petition is being filed under 37 CFR 1.47(a) by the undersigned on behalf of David H. Nordmeyer (hereinafter "Mr. Nordmeyer") to establish the refusal of joint inventor, Clinton W. Pike (hereinafter "Mr. Pike"), to join in the above referenced application for patent after repeated submission of the Application and Declaration to Mr. Pike, and in response to the March 31, 2003 Dismissal of an earlier filed Petition Under 37 CFR 1.47(a) submitted by the Applicant. The required fee also accompanies this Renewed Petition.

By way of background, Mr. Pike is a former employee of ISG Resources, Inc. (hereinafter ISG). It is noted that ISG is the current assignee of the above referenced application (See Exhibit A – assignments from both of Messrs. Nordmeyer and Pike to ISG). During Mr. Pike's employment with ISG, he jointly developed the idea for the above referenced invention with Mr. Nordmeyer. Upon Mr. Pike's departure from ISG, it was believed that he resided at 12707 Secret Forest Court, Cypress, Texas, 77429 as that was the residence address he attested to on October 14, 1999, when he executed the Assignment document (recorded at Reel 013141, Frame 0539) assigning rights in this patent application to ISG. We later learned that Mr. Pike's residence address became



15611 Stablebrook Circle, Cypress, Texas 77429, which is Mr. Pike's last known address.

It is further noted that the above referenced patent application claims priority benefit of International PCT application PCT/US00/25907 filed September 21, 2000, and U.S. Provisional Application Serial No. 60/155,861 filed September 24, 1999. The published PCT application was filed upon entry into the U.S. national stage. Accordingly, the following attempts were made to obtain Mr. Pike's signature on a Declaration with respect to the above referenced invention.

The first attempt at reaching Mr. Pike to obtain his signature was by letter dated March 12, 2002 (Exhibit B). The letter was sent to 12707 Secret Forest Court, Cypress, Texas, 77429 by certified mail return receipt requested and included an unsigned Declaration. The letter requested execution of the Declaration so that it could accompany a filing of the application with the United States Patent & Trademark Office (hereinafter "USPTO"). No return receipt or executed Declaration was received from Mr. Pike in lieu of this first letter.

A second attempt at obtaining Mr. Pike's signature was made by letter dated May 29, 2002 (Exhibit C). The letter again was sent to 12707 Secret Forest Court, Cypress, Texas, 77429 by certified mail return receipt requested and included an unsigned Declaration. The letter similarly requested execution of the Declaration so that it could be filed with the USPTO. A signed return receipt card was received with a date of delivery of June 3, 2002, but an executed Declaration was not provided from Mr. Pike.

At or about June 2002, Mr. Pike sent an email to the undersigned explaining why he, Pike, would not sign the declaration. The undersigned has moved to a different firm in another city in the interim and does not have a copy of the e-mail. Mr. Pike has been requested to try to locate that e-mail so that it may be forwarded to the USPTO. The undersigned recalls that the e-mail indicated Mr. Pike's refusal in light of a then perceived conflict between his duties for his new employer and those of the instant assignee.

A third attempt at obtaining Mr. Pike's signature was made by letter dated April 22, 2003 (Exhibit D). This third attempt sent the letter to 15611 Stablebrook

Circle, Cypress, Texas, 77429 by certified mail return receipt requested and included an unsigned Declaration and the Application as filed for the US National Phase filing, which is consistent with the published PCT application that Mr. Pike was familiar with. The letter similarly requested execution of the Declaration so that it could be filed with the USPTO. A return receipt card signed by Ms. Sandi Pike, presumably Mr. Pike's spouse, was received with a delivery date of April 24, 2003, but an executed Declaration from Mr. Pike was not provided.

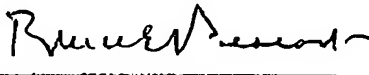
A fourth attempt at obtaining Mr. Pike's signature was made by letter dated May 13, 2003 (Exhibit E). This fourth attempt sent the letter by Federal Express to 15611 Stablebrook Circle, Cypress, Texas, 77429 and included an unsigned Declaration and the Application as filed for the US National Phase filing. The letter similarly requested execution of the Declaration so that it could be filed with the USPTO, and reminded Mr. Pike of his obligation to sign all papers and oaths in connection with this application as a result of the Assignment document (Reel 013141, Frame 0539). (Exhibit A). The Federal Express package was successfully delivered to Mr. Pike on May 15, 2003 as indicated on the Federal Express email receipt (Exhibit F) dated May 15, 2003. In response to this fourth attempt, Mr. Pike faxed a letter dated May 15, 2003 (Exhibit G) refusing to sign the Declaration for the reasons cited therein and requesting that ISG provide additional compensation to Mr. Pike in exchange for his cooperation. Mr. Pike forwarded an e-mail to the undersigned to make sure that his May 15, 2003 letter had been received. A copy of this e-mail and response thereto is attached as Exhibit H.

Despite repeated efforts to obtain Mr. Pike's signature, Mr. Pike refuses to sign the Declaration.

In light of the above, the undersigned, on behalf of Mr. Nordmeyer, accordingly is requesting that the USPTO accept under 37 CFR 1.47(a) this petition and enclosed fee to complete the requirements for acceptance of the above referenced application under 35 U.S.C. 371.

As indicated above, it is believed that the last known address for Mr. Pike is 15611 Stablebrook Circle, Cypress, Texas, 77429 and his e-mail address is shown in Exhibit H.

Respectfully submitted,  
WEGMAN, HESSLER & VANDERBURG

By   
Bruce E. Peacock  
Reg. No. 28,457

Attachments:

Exhibit A  
Exhibit B  
Exhibit C  
Exhibit D  
Exhibit E  
Exhibit F  
Exhibit G  
Exhibit H

Serial No. 60/155,861

Filed: September 24, 1999

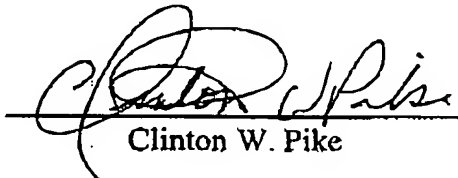
ASSIGNMENT

WHEREAS, I, Clinton W. Pike, of 12707 Secret Forest Court, Cypress, Harris County, Texas 77429, along with David H. Nordmeyer, of 213 County Road 575, Castroville, Medina County, Texas 78009, invented certain new and useful (Docket ASH 116 P2 USP1) MASONRY CEMENT COMPOSITIONS for which we executed an application for letters patent of the United States, on September 24, 1999;

AND WHEREAS, ISG Resources, Inc., a corporation of the State of Utah, with a place of business at 136 East South Temple, Suite 1300, Salt Lake City, Utah 84111, hereinafter called the Assignee, is desirous of acquiring the entire right, title and interest in and to said application and the inventions therein disclosed and any letters patent that may issue thereon;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt whereof is hereby acknowledged, I hereby sell, assign and transfer unto said Assignee, its successors and assigns, my entire right, title and interest in and to said application and any divisions or continuations thereof, and the inventions therein disclosed, and any improvements thereon, and any patent or patents that may be issued or reissued thereon, and I hereby authorize and request the Commissioner of Patents and Trademarks to issue any letters patent thereon, and reissues thereof, to said Assignee, its successors and assigns; and I hereby authorize said Assignee, its successors and assigns, to file in its own name applications for patent in foreign countries in connection with the inventions hereby transferred, under the International Convention, the European Patent Convention and the Patent Cooperation Treaty, claiming the priority of said United States application or otherwise, and to secure in its own name the patent or patents issued thereon; and I hereby agree that, upon request, I will sign all papers, and make all rightful oaths, and do all acts which said Assignee, its successors or assigns, may consider necessary in connection with said United States application, and in connection with any other United States or foreign applications that may be filed in connection with said inventions, and with any improvements thereon, and in connection with any patents issued or reissued thereon.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 14 day of October, 1999.

  
Clinton W. Pike

State of TEXAS )  
County of HARRIS ) ss

On this 14th day of October, 1999, before me a Notary Public in and for the above County and State, personally appeared the above named Clinton W. Pike and acknowledged the execution of the foregoing assignment as a free act and deed for the purpose herein set forth.

  
Notary Public



Serial No. 60/155,861

Filed: September 24, 1999

ASSIGNMENT

WHEREAS, I, David H. Nordmeyer, of 213 County Road 575, Castroville, Medina County, Texas 78009, along with Clinton W. Pike, of 12707 Secret Forest Court, Cypress, Harris County, Texas 77429, invented certain new and useful (Docket ASH 116 P2 USP1) MASONRY CEMENT COMPOSITIONS for which we executed an application for letters patent of the United States, on September 24, 1999;

AND WHEREAS, ISG Resources, Inc., a corporation of the State of Utah, with a place of business at 136 East South Temple, Suite 1300, Salt Lake City, Utah 84111, hereinafter called the Assignee, is desirous of acquiring the entire right, title and interest in and to said application and the inventions therein disclosed and any letters patent that may issue thereon;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt whereof is hereby acknowledged, I hereby sell, assign and transfer unto said Assignee, its successors and assigns, my entire right, title and interest in and to said application and any divisions or continuations thereof, and the inventions therein disclosed, and any improvements thereon, and any patent or patents that may be issued or reissued thereon, and I hereby authorize and request the Commissioner of Patents and Trademarks to issue any letters patent thereon, and reissues thereof, to said Assignee, its successors and assigns; and I hereby authorize said Assignee, its successors and assigns, to file in its own name applications for patent in foreign countries in connection with the inventions hereby transferred, under the International Convention, the European Patent Convention and the Patent Cooperation Treaty, claiming the priority of said United States application or otherwise, and to secure in its own name the patent or patents issued thereon; and I hereby agree that, upon request, I will sign all papers, and make all rightful oaths, and do all acts which said Assignee, its successors or assigns, may consider necessary in connection with said United States application, and in connection with any other United States or foreign applications that may be filed in connection with said inventions, and with any improvements thereon, and in connection with any patents issued or reissued thereon.

October IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 22 day of  
1999.

David H. Nordmeyer  
David H. Nordmeyer

State of Texas )  
County of Bexar ) ss

On this 22nd day of October, 1999, before me a Notary Public in and for the  
above County and State, personally appeared the above named David H. Nordmeyer and  
acknowledged the execution of the foregoing assignment as a free act and deed for the purpose  
herein set forth.

Yvonne J. Patton  
Notary Public

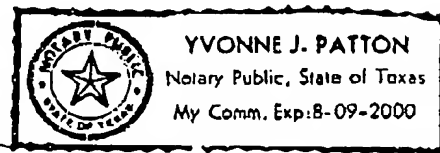


EXHIBIT B

LAW OFFICES

**BIEBEL & FRENCH**A LEGAL PROFESSIONAL ASSOCIATION  
35 EAST FIRST STREET

DAYTON, OHIO 45402

937/461-4543

FACSIMILE NO. 937-443-0861

biebel@erinet.com

LAWRENCE B. BIEBEL  
(1906 - 1989)NATHANIEL R. FRENCH  
(1913-1994)BRUCE E. PEACOCK  
MICHAEL D. FOLKERTS  
STEVEN D.A. MCCARTHY  
RANDY S. JACKSON, JR.COUNSEL  
GILBERT HENDERSON

March 12, 2002

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**Mr. Clinton W. Pike  
12707 Secret Forest Court  
Cypress, Texas 77429

Re: U.S. Patent Application for  
**Masonry, Mortar, and Stucco Cement Compositions**  
Based on PCT Application No. PCT/US00/25907 filed September 21, 2000  
Our Docket: ASH 116 P2

Dear Buddy:

Enclosed is the Declaration for the above-identified patent application. Please execute this document in the appropriate space on page 3 and return the same to my office via regular mail. If possible, please fax the Declaration to my office as well so that it can be included with the patent application when we file this application with U.S. Patent and Trademark Office.

Thank you for your assistance. If you have any questions, please contact me.

Best regards.

Sincerely,  
BIEBEL & FRENCH



Bruce E. Peacock

BEP:bas  
Enclosure

cc: Curtis J. Brown



EXHIBIT C

## LAW OFFICES

**BIEBEL & FRENCH**A LEGAL PROFESSIONAL ASSOCIATION  
35 EAST FIRST STREET

DAYTON, OHIO 45402

937/461-4543

FACSIMILE NO. 937-443-0861

biebel@erinel.com

May 29, 2002

LAWRENCE B. BIEBEL  
(1906 - 1989)NATHANIEL R. FRENCH  
(1913-1984)BRUCE E. PEACOCK  
MICHAEL D. FOLKERTS  
STEVEN D.A. MCCARTHY  
RANDY S. JACKSON, JR.COUNSEL  
GILBERT HENDERSON**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**Mr. Clinton W. Pike  
12707 Secret Forest Court  
Cypress, Texas 77429Re: U.S. Patent Application for  
**Masonry, Mortar, and Stucco Cement Compositions**  
Based on PCT Application No. PCT/US00/25907 filed September 21, 2000  
Our Docket: ASH 116 P2

Dear Buddy:

Enclosed is the Declaration for the above-identified patent application. Please execute this document in the appropriate space on page 3 and return the same to my office via regular mail. If possible, please fax the Declaration to my office as well so that we file this with U.S. Patent and Trademark Office.

Thank you for your assistance. If you have any questions, please contact me.

Best regards.

Sincerely,  
BIEBEL & FRENCH

Bruce E. Peacock

BEP:bas  
Enclosure

cc: Curtis J. Brown

EXHIBIT D

## WEGMAN, HESSLER &amp; VANDERBURG

A LEGAL PROFESSIONAL ASSOCIATION  
ATTORNEYS AT LAW

DAVID J. HESSLER  
KEITH A. VANDERBURG  
PETER A. HESSLER  
DAVID R. KNOWLES  
JOHN D. KEDZIOR  
STEVEN E. PRYATEL  
RICHARD T. COYNE  
LAWRENCE S. CROWTHER  
CHRISTOPHER A. HOLECEK  
JEFFREY W. KRUEGER  
BRUCE E. PEACOCK

DAVID W. HERRINGTON  
ANTOINETTE F. GIDEON  
KARL R. WETZEL  
DERMOTT J. COOKE  
DENNIS J. SICILIANO  
TANJA M. HOLECEK

SUITE 200  
6055 ROCKSIDE WOODS BOULEVARD  
CLEVELAND, OHIO 44131-2302

TELEPHONE  
(216) 642-3342

FACSIMILE  
(216) 642-8826

April 22, 2003

DAVID R. BUTTON  
DEREK KAESGEN  
NATHAN E. HESSLER  
DONNA M. DRESPE  
SIMON P. DEMIAN  
JENNIFER A. CORSO  
CARL D. GUM III  
LESLEY A. WEIGAND  
CHRISTOPHER A. CORPUS

CHARLES R. ENNIS  
WILLIAM GORENC, JR.  
OF COUNSEL

MARTIN J. WEGMAN  
(1918-1977)

Certified Article Number

7160 3901 9844 2476 2168

SENDERS RECORD

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Clinton W. Pike, Sr.  
15611 Stablebrook Circle  
Cypress, Texas 77429

Re: Title: MASONRY, MORTAR AND  
STUCCO CEMENT COMPOSITIONS  
Serial No.: 10/088,291 Filed March 14, 2002  
Our Docket: 020356 116 P2

Dear Buddy:

I am herewith enclosing a copy of the above-identified patent application that we have now filed in the United States. Also enclosed is a copy of a Declaration that has been prepared for your signature.

I would appreciate it if you would review the enclosed application and sign the Declaration and then return the executed Declaration to us.

Would you kindly execute the Declaration in the appropriate space on page 3 and return the same to my office via regular mail. If possible, kindly fax the Declaration to my office as well so that we can file this Declaration in the United States Patent and Trademark Office as soon as possible.

Thank you for your assistance. If you have any questions, please contact me.

Clinton W. Pike  
Page 2  
April 15, 2003

Best regards.

Sincerely,

WEGMAN, HESSLER & VANDERBURG

Bruce E. Peacock

BEP/jjs  
Enclosures

EXHIBIT E

## WEGMAN, HESSLER &amp; VANDERBURG

A LEGAL PROFESSIONAL ASSOCIATION  
ATTORNEYS AT LAW

DAVID J. HESSLER  
KEITH A. VANDERBURG  
PETER A. HESSLER  
DAVID R. KNOWLES  
JOHN D. KEDZIOR  
STEVEN E. PRYATEL  
RICHARD T. COYNE  
LAWRENCE S. CROWTHER  
CHRISTOPHER A. HOLECEK  
JEFFREY W. KRUEGER  
BRUCE E. PEACOCK

DAVID W. HERRINGTON  
ANTOINETTE F. GIDEON  
KARL R. WETZEL  
DERMOTT J. COOKE  
DENNIS J. SICILIANO  
TANJA M. HOLECEK

SUITE 200  
6055 ROCKSIDE WOODS BOULEVARD  
CLEVELAND, OHIO 44131-2302

TELEPHONE  
(216) 642-3342

FACSIMILE  
(216) 642-8826

May 13, 2003

DAVID R. BUTTON  
DEREK KAESGEN  
NATHAN E. HESSLER  
DONNA M. DRESP  
SIMON P. DEMIAN  
JENNIFER A. CORSO  
CARL D. GUM III  
LESLEY A. WEIGAND  
CHRISTOPHER A. CORPUS

CHARLES R. ENNIS  
WILLIAM GORENC, JR.  
OF COUNSEL

MARTIN J. WEGMAN  
(1918-1977)

Clinton W. Pike, Sr.  
15611 Stablebrook Circle  
Cypress, Texas 77429

VIA FEDERAL EXPRESS

Re: Title: MASONRY, MORTAR AND  
STUCCO CEMENT COMPOSITIONS  
Serial No.: 10/088,291 Filed March 14, 2002  
Our Docket: 020356 116 P2

Dear Buddy:

Once again I enclose a copy of the above-identified application and a "Declaration" that has been prepared for your signature. Please review the application and sign the Declaration as soon as possible and return the signed Declaration to me via facsimile or mail.

As you know, you have assigned your rights in the above-identified application to ISG Resources, Inc. (ISG). A copy of the Assignment is enclosed. If you do not sign the enclosed Declaration, ISG will enforce the Assignment, specifically the clause of which that indicates your obligation to

"sign all papers, and make all rightful oaths, and do all acts which said Assignee, its successors or assigns, may consider necessary in connection with said United States application..."

Clinton W. Pike

Page 2

May 13, 2003

The technology represented by the application is a valuable asset owned by ISG and your breach of the obligations as set forth in the attached Assignment is serious and will cause severe financial damage to ISG. Suit brought against you by ISG to enforce the Assignment and any other rights that it may have against you shall seek to recover these damages, attorneys' fees, and punitive damages.

Sincerely,

WEGMAN, HESSLER & VANDERBURG



Bruce E. Peacock

BEP/jjs

Enclosures

**Joyce J. Skulina**

---

**From:** sysdeliv@fn3a.prod.fedex.com  
**Sent:** Thursday, May 15, 2003 11:32 AM  
**To:** Joyce J. Skulina  
**Subject:** FedEx shipment 791592261006

Our records indicate that the shipment sent from JOYCE J SKULINA/WEGMAN, HESSLER & VANDER to Clinton W. Pike has been delivered.  
The package was delivered on 05/15/2003 at 9:05 AM and signed for or released by S.PIKE.

The ship date of the shipment was 05/14/2003.

The tracking number of this shipment was 791592261006.

FedEx appreciates your business. For more information about FedEx services, please visit our web site at <http://www.fedex.com>

To track the status of this shipment online please use the following:  
[http://www.fedex.com/cgi-bin/tracking?tracknumbers=791592261006  
&action=track&language=english&cntry\\_code-us](http://www.fedex.com/cgi-bin/tracking?tracknumbers=791592261006&action=track&language=english&cntry_code-us)

Disclaimer

-----  
FedEx has not validated the authenticity of any email address.

EXHIBIT G

## PIKE TECHNOLOGIES

TK

P.O. BOX 1181  
CYPRESS, TX. 77410-1181

Mr. Bruce F. Peacock  
Wegman, Hessler & Vanderburg  
Suite 200  
6055 Rockside Woods Boulevard  
Cleveland, Ohio

May 15, 2003

Dear Bruce,

As you are aware, I am no longer an employee of ISG and have not been since January 2001. During the time I was employed by ISG and receiving compensation from ISG, as their Executive Vice President, I signed the Assignment as a part of a process we were undertaking to develop the possible patent you say you have now filed application for. This application is a far cry from being issued as a utility patent. In fact I have only read the draft for this once, that being during the year 2000. When I left the company in 2001, in order to continue my economic viability, I started my own company built on technology and have been involved in several patents being issued and pursued since then.

Your comment about the technology and my breach causing severe financial damage to ISG is ridiculous. No damage can occur on a paper purporting technology that has more of a chance of being rejected, than allowed, as a patent, much less enforced. They own nothing until or if this reaches a conclusion involving issuance of a valid patent. They are covered by the Priority date if it is issued. The art is full of existing patents of this very nature. It will take skilled crafting to try and get this patent issued. I should know since I am the principal inventor. Also, your comment, "Once again..." is uncalled for. I still have the package from your April 22, 2003, mailing and just related this to you yesterday by phone. You are well aware that I had issues concerning this potential patent as I have discussed it with you and sent information about this, to you previously. I am sorry you lost my email when you moved and I will endeavor to recover it, for you. I am surprised that something of such value to ISG, as you state in your letter, has taken this long to get to the position we are at today. Since October, 1999, I had not received any contact concerning this issue until your certified letter in June of 2002. I responded to your letter then and did not hear from you again until your April 22, 2003, letter. This does not indicate a sense of urgency to me.

I have given the rights to this patent, if patented, to ISG but now have no compensation to receive for furthering the development and potential issuance of this document to the ultimate aspect of a utility patent. In fact, by law; I do not have to sign my name to any document I do not feel is accurate, has unknown validity to its claims, and may have

inaccurate and untruthful information supplied to back up such claims. Since I have not read the document, I am sure it has changed since the October, 2000, draft and probably contains new or changed information that I may or may not agree to. Here is what I would be willing to do should ISG compensate me as indicated below:

1. Review the document in detail and provide my comments concerning the text and information as written.
2. Provide ongoing support towards the finalization of the patent application and my time and efforts towards getting this application through the approval process as best as I can, fully supporting the process.

In order to accomplish this ISG will compensate my efforts as follows:

- a. All expenses, should any occur, will be paid by ISG to include phone, copying, travel expenses, lodging and food expenses and any other expenses related to the review and development of this application to its ultimate fate.
- b. ISG will compensate me up front \$5,000 for the patent application review and any changes made to the application for accuracy and examiner critique. After I am sure the information is accurate and truthful I will execute the declaration.
- c. When the examiner begins his process and I am needed for rebuttal I will require an additional \$5,000 up front before I will defend and reorganize to try and obtain agreement from the examiner. I will do my utmost to obtain examiner allowance and the patent being issued but obviously cannot guarantee anything on the patent being awarded.

Bruce, after you have discussed this with ISG let me know what they want to do. I can do all my work through you so no contact would be required with ISG, as I have completed selection of contingency legal support for proceeding forward on another legal issue with ISG, that will be forthcoming by June 2003.

Sincerely,

*Buddy*  
Clinton Pike



**Bruce E. Peacock**

---

**From:** Bruce E. Peacock  
**Sent:** Tuesday, May 27, 2003 8:18 AM  
**To:** 'Ekip2@aol.com'  
**Subject:** RE: ISG project

Yes I did. If you could locate the e-mail you sent last summer , I will also forward this to the Patent Office.  
Regards  
Bruce

-----Original Message-----

**From:** Ekip2@aol.com [mailto:Ekip2@aol.com]  
**Sent:** Monday, May 26, 2003 10:30 PM  
**To:** Bruce E. Peacock  
**Subject:** ISG project

Bruce, Just wanted to make sure you received my fax last week? Thanks Buddy

5/27/2003

TOTAL P.24